

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
WORCESTER DIVISION

SANDRA S. KATZ,
Plaintiff

v.

DONNA LEE H. WILLIAMS, INSURANCE
COMMISSIONER OF THE STATE OF
DELAWARE AS RECEIVER OF NATIONAL
HERITAGE LIFE INSURANCE COMPANY
IN LIQUIDATION,

Defendant and
Third Party Plaintiff,

v.

FEDERAL DEPOSIT INSURANCE CORPORATION;
UNITED STATES OF AMERICA;
E. PERRY KING;
ALAN MASON;
ALAN MASON LEGAL SERVICES, P.C.;
ALAN MASON LEGAL SERVICES, INC.,
ALAN MASON d/b/a
ALAN MASON LEGAL SERVICES, P.C.;
ALAN MASON d/b/a
ALAN MASON LEGAL SERVICES, INC.;
and
ALAN MASON LEGAL SERVICES, P.C. d/b/a
ALAN MASON LEGAL SERVICES, INC.,

Third Party Defendants.

CIVIL ACTION
NO. 05-40014-FDS

FEDERAL DEFENDANTS' RENEWED MOTION TO DISMISS

The Federal Defendants hereby renew their Motion to Dismiss the Third Party
Complaint filed by the Insurance Commissioner of Delaware. The Federal Defendants

filed their original Motion to Dismiss on April 4, 2005. On March 23, 2006, this Court denied the Motion on the grounds that the Federal Defendants had removed the case from state court but had not filed “a copy of all process, pleadings, and orders” served in state court as is required by Local Rule 81.1, United States District Court. This Court denied the Motion to Dismiss without prejudice and ordered the government “to file forthwith certified or attested copies of all records and proceedings in the state court,” The Federal Defendants complied with this Court’s Order on March 30, 2006, submitting certified or attested to copies of the state court docket sheet and pleadings received from the Clerk of the Superior Court, Worcester County, with a CD containing the documents in .pdf format, together with a Notice Filing.

The grounds for this Renewed Motion are set forth in the Federal Defendants’ memorandum in support of their Motion to Dismiss As To Third Party Complaint, which memorandum was filed in this Court on April 4, 2005.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

BY: /s/ Anita Johnson
Anita Johnson
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Of Counsel:
Linda Charet,
FDIC Legal Services Office

20 Exchange Place
New York, NY 10005
917-320-2864

CERTIFICATE OF SERVICE and RULE 7.1 CONFERENCE

I certify that the foregoing has been electronically served upon all counsel of record on this 12th day of April 2006, and that on April 4, 2006, Eugenia Carris, Assistant U.S. Attorney, conferred with James F. Creed, Jr., counsel for third party plaintiff, and he did not oppose this motion.

/s/ Anita Johnson

MICHAEL J. SULLIVAN,
UNITED STATES ATTORNEY

BY: _____
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CERTIFICATE OF SERVICE AND RULE 7.1 CONFERENCE

I certify that the foregoing has been served upon counsel of record and that I conferred with counsel for Donna Lee H. Williams, James F. Creed, Jr., 1329 Highland Avenue, Needham, Mass. 02492, and he did not oppose this Motion or any extension of time to answer, both on this ____ day of April, 2005.

/s/Anita Johnson